
**Public Safety & Emergency Preparedness
Committee**

HB 1234

Brief Description: Creating the new crime of abandonment of a dependent person in the fourth degree.

Sponsors: Representatives Morrell, O'Brien, Appleton, Kelley, Ericks, Lias, Pedersen, Williams, Kenney and Moeller.

Brief Summary of Bill

- Creates the simple misdemeanor crime of abandonment of a dependent person in the fourth degree.

Hearing Date: 1/28/09

Staff: Lara Zarowsky (786-7123)

Background:

In general, a person commits abandonment of a dependent person if he or she:

- is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- abandons the dependent person.

The penalty for abandonment of a dependent person depends on the intent of the perpetrator and the harm caused to the victim.

- It is abandonment of a dependent person in the **first degree** if the perpetrator recklessly causes great bodily harm. This is a class B felony with a seriousness level of V.
- It is abandonment of a dependent person in the **second degree** if the perpetrator recklessly creates an imminent and substantial risk of death or great bodily harm *or*

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

recklessly causes substantial bodily harm. This is a Class C felony with a seriousness level of III.

- It is abandonment of a dependent person in the **third degree** if the perpetrator recklessly creates an imminent and substantial risk of substantial bodily harm. This is a gross misdemeanor.

All degrees of the crime of abandonment of a dependent person provide that the parent of a newborn who transfers the newborn to a qualified person under the Juvenile Court Act is not subject to criminal liability.

Summary of Bill:

The crime of abandonment of a dependent person in the fourth degree is created. The crime is a simple misdemeanor.

A person commits abandonment of a dependent person in the fourth degree if he or she:

- is the parent of a child, is a person entrusted with the physical custody of a child or dependent person, or is employed to provide a child or dependent person with the basic necessities of life; and
- with criminal negligence abandons the child or other dependent person; and
- as a result of being abandoned, the child or other dependent person suffers risk of bodily injury.

The parent of a newborn who transfers the newborn to a qualified person under the Juvenile Court Act is not subject to criminal liability under the bill.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.